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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Initial reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

GUATEMALA

[4 January 1995]

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Introduction

1. The International Covenant on Economic, Social and Cultural Rights was adopted by the United Nations General Assembly by virtue of resolution 2200 A (XXI) of 16 December 1966, and in accordance with article 27 entered into force in the State of Guatemala on 9 August 1988, by decree of the Congress of the Republic No. 69-87, dated 30 September 1987.

2. In accordance with resolution 1988/4 of the United Nations Economic and Social Council, the State of Guatemala was to submit its initial report within two years of the entry into force of the Covenant, which meant that this report should have been sent in September 1989.

3. The present Government of Guatemala is committed to ensuring that the State of Guatemala complies to the fullest possible extent with all the agreements undertaken before the international community, in view of which it is now fulfilling the above commitment. The report was prepared in accordance with the relevant guidelines although some aspects of the Covenant's provisions could not be covered because the necessary information was not available.

4. As far as the first five articles of the Covenant are concerned, it should be pointed out that ample coverage was given in that respect in the reports submitted under the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination, which were sent to the relevant United Nations committees earlier this year.

I. PART I OF THE COVENANT

Article 1

SELF-DETERMINATION OF PEOPLES AND FREE DISPOSAL OF THEIR NATURAL WEALTH AND RESOURCES

5. With regard to article 1 of the International Covenant on Economic, Social and Cultural Rights, reference should be made to the information given in the initial report under the International Covenant on Civil and Political Rights (art. 1).

II. PART II OF THE COVENANT

Article 2

ADOPTION OF LEGISLATIVE MEASURES, GUARANTEE OF RIGHTS WITHOUT DISCRIMINATION OF ANY KIND, AND SECURITY OF NON-NATIONALS

6. With respect to this article and its paragraphs 1, 2 and 3, reference should be made to the information provided in the initial report under the International Covenant on Civil and Political Rights (art. 2).

Article 3

EQUAL RIGHTS OF MEN AND WOMEN TO THE ENJOYMENT OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

7. With respect to this article, reference should be made to part II of the initial report under the International Covenant on Civil and Political Rights (arts. 2-5).

Article 4

LIMITATIONS ON RIGHTS RECOGNIZED UNDER THE COVENANT DETERMINED BY INTERNAL LAW

8. With respect to this article, reference should be made to the report under the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5), which the State of Guatemala, in compliance with its obligations, submitted to the relevant committee earlier this year.

Article 5

REJECTION OF ANY RIGHT TO ENGAGE IN ACTIVITIES LIMITING THE FREEDOMS RECOGNIZED UNDER THE COVENANT

9. With respect to this article, reference should be made to the initial report under the International Covenant on Civil and Political Rights (art. 5).

Article 6

RIGHT OF EVERYONE TO WORK

10. The State of Guatemala is a party to the following international legal instruments concerning labour matters:

- ILO Employment Policy Convention, 1964 (No. 122);
- ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

With regard to the principal policies pursued and measures taken with a view to ensuring that there is work for all who are available for and seeking it, these include job creation through internal and external investment, and programmes to create employment and self-employment by strengthening the programme for small and medium-sized enterprises, and to create self-employment for disabled persons through the programme of support for disabled persons.

11. The provisions ensuring that there is freedom of choice of employment and that conditions do not infringe upon fundamental political and economic freedoms of the individual are governed by articles 101 and 102 of the Political Constitution of the Republic of Guatemala, ILO Convention No. 122, ILO Convention No. 88, ILO Convention No. 96 and the Labour Code.

12. Technical and vocational guidance and training programmes in the country, their effective mode of operation and their practical availability are the responsibility of the Technical Institute for Training and Productivity (INTECAP). INTECAP was created in response to the need to raise the country's technical standard, to train human resources collectively and to increase productivity as a means of assisting the social and economic development of Guatemala. INTECAP's training programmes are intended to train persons over the age of 14 in skilled occupations. The training system combines courses given in a centre with work in an enterprise.

13. Apprenticeship training is a form of vocational training given to a company's young workers or apprentices in a training centre. The company and INTECAP cooperate closely, so that the apprentice is allowed to spend one working day at the training centre, while remaining at work for the rest of the week. The objective of the programme is to develop systematic, progressive and comprehensive training for young persons in a particular speciality, so that they can enter the country's labour force as qualified workers and increase the national output.

14. Courses include:

Industrial electronics;
Carpentry;
Woodwork;
Surface preparation and painting;
Auto mechanics;
Industrial mechanics;
Industrial welding;
Meat technology;
Plumbing;
Biomedical equipment maintenance;
Agricultural husbandry;
Industrial garments;
Dressmaking;
Computer maintenance;
Refrigeration and air-conditioning.

15. INTECAP also set up and has continued to support the Association of Proprietors of Industrial and Mechanical Metalworking Workshops of Guatemala, while also providing support for rural workshops.

16. INTECAP's programmes enjoy the cooperation of the national private sector, as well as international financial and technical support.

17. With regard to distinctions, exclusions, restrictions or preferences, be it in law, administrative practices or in practical relationships, between persons or groups of persons, made on the basis of race, colour, sex, religion, public opinion, nationality or social origin, which may have the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation, it may be reported that there is no legal problem in that respect.

18. With regard to the actual situation in Guatemala regarding vocational guidance and training, employment and occupation of persons according to their race, colour, sex, religion and national origin, no information is currently

available. With regard to the main cases in which a distinction, exclusion or preference based on any of the above-named conditions is not considered as discrimination in Guatemala, owing to the inherent requirements of a particular job, there is no information.

19. With regard to what proportion of the working population in Guatemala holds more than one job in order to secure an adequate standard of living for themselves and their families, no information is available.

20. Figures are given below for the employment situation in Guatemala, according to available information.

MAIN EMPLOYMENT INDICATORS FOR THE REPUBLIC OF GUATEMALA - 1980-1990

Characteristics and indicators	1980	1990
Population aged 10 and over	4 095 153	5 830 230
Men	2 024 311	2 806 429
Women	2 070 842	3 023 801
Economically active population	1 696 464	2 898 316
Men	1 449 058	2 158 399
Women	247 406	739 917
Rate of participation		
Both sexes	41.4	49.7
Men	71.6	76.9
Women	11.9	24.5
Employed population	1 667 523	2 840 358
Men	1 424 432	2 123 764
Women	243 091	716 594
Employment rate		
Both sexes	40.7	48.7
Men	70.4	75.7
Women	11.7	23.7
Visible underemployment 1/	1.0	10.5
Invisible underemployment 2/	1.0	52.5
Unemployed population	28 941	57 958
Men	24 626	34 635
Women	4 315	23 323

1/ Employees working less than 40 hours a week and wishing to work more hours.

2/ Employees working 40 hours or more a week, whose incomes are below the minimum wage.

Article 7

RIGHT OF EVERYONE TO THE ENJOYMENT OF JUST AND FAVOURABLE CONDITIONS OF WORK

21. The State of Guatemala is a party to the following international legal instruments in the sphere of labour:

- Minimum Wage-Fixing Convention, 1970 (No. 131);
- Equal Remuneration Convention, 1951 (No. 100);
- Weekly Rest (Industry) Convention, 1921 (No. 14);
- Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106);
- Labour Inspection Convention, 1947 (No. 81).

22. The principal methods used for fixing wages are as follows:

- According to economic circumstances;
- According to activities: intellectual, industrial, commercial, stockbreeding or agricultural;
- According to individual companies, provided that legal requirements are duly observed.

Minimum wages are fixed for workers in the private sector.

23. With regard to whether a system of minimum wages has been established, specifying the groups of wage-earners to which it applies, the number of persons covered by each group as well as the competent authority for determining these groups, it may be reported that a minimum wage system has been established for seven specific activities:

1. Agriculture, stockbreeding and forestry;
2. Bakery, biscuits and confectionery;
3. Construction;
4. Commerce;
5. Manufacturing industries;
6. Journalism;
7. Services.

24. The authorities responsible are:

(a) Joint Minimum Wage Commissions, for each activity, comprising two union workers and two employers, with a work inspector acting as chairman. Workers and employers are appointed to these commissions on the basis of lists of not less than four candidates submitted on request by trade union and employers' organizations to the Ministry of Labour and Social Security, which are published in the Official Gazette and in one other major national private newspaper. On the basis of this list, the Ministry of Labour and Social Security chooses the most able and suitable candidates, who are then appointed by governmental decision for a period of two years;

(b) The tripartite National Wage Commission comprises two government representatives, two union workers and two representatives of employers' organizations, and a panel of advisers including representatives of the following institutions: National Institute of Statistics, Ministry of the Economy, Guatemalan Social Security Institute, Monetary Council of the Bank of Guatemala, National Institute of Indigenous Affairs. These commission members are appointed by governmental decision through the Ministry of Labour and Social Security following a procedure similar to that used for the appointment of joint committees. These commissions and the Ministry of Labour and Social Security, in consultation with the Administrative Wage Office, decide which groups of wage-earners in which order of priority should be entitled to the minimum wage.

25. With regard to ways of ensuring that the minimum wages established by law are not reduced, this is done:

(a) By establishing sanctions for infringements of minimum wage agreements, applied by labour and social security tribunals, consisting in fines of between 500 and 2,500 quetzales, without prejudice to the workers' right to recover any sums owed in that respect;

(b) Through supervision of the payment of minimum wages by the General Labour Inspectorate.

Article 8

RIGHT OF EVERYONE TO FORM TRADE UNIONS AND JOIN THE TRADE UNION OF HIS CHOICE

26. The State of Guatemala is a party to the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which was ratified on 13 February 1952; it is not a party to the ILO Labour Relations (Public Service) Convention, 1978 (No. 151).

27. In the State of Guatemala, there are no restrictions placed upon the right to join and form trade unions, subject to compliance with the terms of articles 206-234 of the Labour Code and the Government Employees' Unionization Act. The formal conditions for setting up trade unions are referred to in the annexes to this report.

28. With regard to special legal provisions regarding the establishment of trade unions by certain categories of workers, it may be reported that legal provisions governing the establishment of trade unions are contained in articles 206-234 of the Labour Code. These provisions are applied by unions in their statutes and during their legal existence.

29. The Ministry of Labour and Social Security, under article 211 of the Labour Code, has to apply a national policy of defence and development of trade unionism, supervising trade unions to ensure that they comply with existing legislation.

30. With regard to restrictions placed upon the exercise of the right to join and form trade unions, it may be reported that no restrictions are placed on the exercise of workers' right to join and form trade unions.

31. The Labour Code contains no restriction and in this respect Guatemala has ratified Convention No. 87, according to which public authorities must refrain from any interference which would restrict the right to join and form trade unions or impede the lawful exercise thereof.

32. With regard to securing the right of trade unions to federate and join international trade union organizations, and any related legal and practical restrictions, it may be reported that no such legal restrictions exist. Article 233 of the Labour Code regulates the establishment of union federations and confederations, while relations with international trade union organizations are not supervised in any way, so that there is complete freedom to join any trade union organization. No legal and practical restrictions are placed upon the exercise of this right to organize.

33. With regard to conditions or limitations placed upon the right of trade unions to function freely, and to which trade unions have been adversely affected in practice by any such conditions or limitations, it may be reported that trade unions are not restricted and enjoy full freedom in that respect.

34. With regard to measures taken to promote free collective bargaining, it may be reported that this form of legal contract does not exist in Guatemala. The General Labour Directorate, however, supervises the rights of working minors and women, in order to ensure compliance with legislation concerning working hours, minimum wages and the legality of apprenticeship contracts.

35. It may be reported with regard to collective work agreements that Regulations for the Processing and Negotiation, Approval and Denouncement of Collective Agreements on Working Conditions in enterprises and production centres have been approved and are now in force.

36. With regard to the number and structure of trade unions established in the State of Guatemala and their respective membership, there are altogether 1,046 registered trade unions with at least 20 members. Their organs are the General Assembly, Executive Committee and Advisory Board; some unions also have specialized committees.

37. With regard to restrictions placed upon the exercise of the right to strike, with a detailed account of the legal provisions governing such

restrictions and their application in practice over time, it may be reported that there are no legal restrictions, the right itself and related requirements for exercising it being governed by the Labour Code.

38. With regard to special legal provisions regarding the exercise of the right to strike by certain categories of workers and the nature of such special provisions, if any, their application in practice and the number of workers subjected to them, the Labour Code, in articles 239-244, stipulates provisions applicable to workers in general, in addition to article 4 of Decree No. 71-86 of the Act on Union Membership and Strikes among State Workers, all of which provisions are part of positive law and are currently in force.

39. With regard to the exercise of the right to join and form trade unions of one's choice, and whether any restrictions are placed in that respect on members of the armed forces, the police or the administration of the State, it may be reported that in both the private sector and the public sector, workers have been free to form trade unions. According to the Army Constituent Act, however, members of the armed forces may not form trade unions, unlike members of the National Police Force, who have now set up an ad hoc committee with a view to forming their own trade union.

Article 9

RIGHT OF EVERYONE TO SOCIAL SECURITY, INCLUDING SOCIAL INSURANCE

40. Article 100 of the Political Constitution of the Republic of Guatemala, promulgated on 31 May 1985, instituted a social security guarantee for the benefit of the inhabitants of the nation, in the following terms:

> "Article 100. Social Security. The State recognizes and guarantees the right to social security for the benefit of the inhabitants of the nation. The social security system is established as a public service of national, unitary and obligatory character.
>
> The State, the employers and the workers covered by the system, except only as provided in article 88 of the Constitution, are obliged to contribute to the financing of the system and have the right to participate in its management and to seek its progressive improvement."

41. The administration of the social security system is the responsibility of the Guatemalan Social Security Institute, an autonomous body with juridical personality and its own assets and functions. The Institute enjoys full exemption from all taxes, contributions and rates, already established or to be established in the future. The Guatemalan Social Security Institute must cooperate with the health institutions in a coordinated manner.

42. The Executive must include annually in the State income and expenditure budget a specific appropriation to cover the contribution payable by the State as such and as employer; this appropriation may not be transferred or cancelled during the financial year and its amount must be determined on the basis of expert actuarial studies carried out by the Institute.

43. Administrative remedies may be sought and action under administrative law may be taken, as provided by law, against decisions in this field. Cases involving benefits payable under the system are heard by the labour courts or social welfare tribunals.

44. The social security system provides protection and benefits covering the following social risks:

(a) Industrial accidents and occupational illnesses;

(b) Maternity;

(c) General sickness;

(d) Invalidity;

(e) Orphanhood;

(f) Widowhood;

(g) Old age;

(h) Death (burial expenses);

(i) Others as determined by the regulations (see decisions Nos. 97, 410, 466, 468 and 788 of the Management Board of the Guatemalan Social Security Institute).

45. With regard to social insurance and security, therefore, the institution providing the widest coverage is the Guatemalan Social Security Institute, which in 1990 covered 16.9 per cent of the economically active population. At present, the short-term services provided are cash and service benefits which have a direct and immediate impact on the worker and the worker's family; they include health benefits for sickness, maternity and accidents (general and occupational); prevention and rehabilitation activities related to the above conditions, cash benefits for sick persons, and for women before and after childbirth. The Guatemalan Social Security Institute also has long-term benefit schemes (allowances) guaranteeing a replacement income in the event of invalidity, old age, widowhood or orphanhood.

EMPLOYERS IN ACTIVITY ON 31 DECEMBER 1992, ACCORDING TO ACTIVITY SECTOR

Economic Activity	No. of employers
Agriculture, forestry	5 721
Hunting and fishing	
Mines and quarries	125
Manufacturing industry	5 115
Construction	1 181
Electricity, gas, water and sanitation	53
Commerce	5 309
Transport, warehousing and communications	1 710
Services	6 024
TOTAL	25 238

ESTIMATED NUMBER OF WORKERS AFFILIATED AND SUBSCRIBING TO THE GUATEMALAN SOCIAL SECURITY INSTITUTE (IGSS) - 1992

Workers	
Department of Guatemala	421 419
Other Departments	374 289
TOTAL	795 708

OUTSIDE CONSULTATIONS UNDER THE ACCIDENT SCHEME BY MEDICAL UNIT, ACCORDING TO CATEGORY OF PATIENT - 1992

Members	570 987
Pensioners	5 160
Non-members	18 730
Special cases	54 632
Dentistry	1 952
TOTAL	651 461

MATERNITY REGISTRATIONS AND OUTSIDE CONSULTATIONS, BY MEDICAL UNIT - 1992

Registration:	
Members	14 955
Beneficiaries	23 504
TOTAL	38 459
General consultations:	
First consultations	36 456
Further consultations	134 707
Emergencies	49 025
Special cases	16 767
TOTAL	236 955

COMMON SICKNESS, OUTSIDE CONSULTATIONS BY MEDICAL UNIT ACCORDING TO TYPE OF CONSULTATION - 1992

General medicine:	
Members (*)	756 391
Children	566 113
Pensioners	71 490
(*) including beneficiary spouses	
Special cases:	
Members (1*)	293 782
Pensioners	28 616
Dentistry:	
Members (2*)	140 948
Pensioners	2 978
(1* and 2*), including beneficiary spouses and children	
TOTAL	1 860 308

MOVEMENT OF PATIENTS AT THE REHABILITATION HOSPITAL - 1992

Outpatients:	
Accidents	
Occupational	1 315
General	1 817
Sickness	1 197
TOTAL	4 329
Hospital cases:	
Accidents	
Occupational	96
General	131
Sickness	126
TOTAL	353

TYPES OF THERAPY - 1992

Physiotherapy:	
Assessment examinations	5 115
Individual treatment	316 019
Group treatment	225 206
Speech therapy	4 998
Occupational therapy	147 620
TOTAL	698 958

Article 10

THE FAMILY AS THE NATURAL AND FUNDAMENTAL GROUP UNIT OF SOCIETY

46. According to the conceptual framework prepared by the National Family Commission to serve as a basic guideline for studies concerning the institution of the family and further research on the same subject, the family may be considered from various points of view:

(a) From the anthropological point of view: the family provides the environment in which human beings normally receive life and develop for many years, receiving education and preparing to fulfil their role in society. The family is a legal, social and economic unit, but even more so a community of love and solidarity, whose mission is to bring into the world and to educate the new generations, and to pass on to them the cultural, ethical and social values they need for their well-being and for the full development of society as a whole. It is a form of social group necessitated by human nature itself;

(b) From the sociological point of view: the family is the basic cell of society. If each family is a living organic cell of the social body, it is easy to understand that the State is a society which depends on the condition of its families, so that the well-being of society is very closely linked to that of the family. It is an agent of socialization and the first school of social values. It also supports relationships between the family and society;

(c) From the psychological point of view: the family satisfies specific human psychological needs in terms of the affirmation of the human personality (acceptance related to the concept of oneself, of one's own value and the sense of one's presence in the world);

(d) From the pedagogic point of view: the family is a prime educator and its inalienable right to educate its children is derived from the very fact that it has given them life;

(e) From the economic point of view: the family has the right to enjoy economic conditions such as to ensure a dignified standard of living, as well as social security measures appropriate for its real needs;

(f) From the ethical point of view: the family provides an environment of choice for developing positive attitudes towards the self, towards other people, towards the mother country and towards work.

47. In Guatemala, children attain their majority at 18 years (Civil Code, art. 8).

48. The family is granted certain rights under existing legislation (Political Constitution of the Republic of Guatemala, arts. 1, 2, 3, 47 and 48). Since the family is made up of individual members, all social actions undertaken by State institutions, NGOs, semi-private institutions, etc., under various health, education, social security, employment or other programmes have a direct effect on the family and on all its members.

49. Marriage is the conjugal society or community consisting of husband and wife; it is a permanent and exclusive state of the covenant whereby "they are now one". The covenant or consent is the wilful deed by which the contracting parties decide once and for all to regard each other as man and wife, that is, they decide to establish a conjugal bond between them. The matrimonial covenant or consent on which marriage is based is a wilful act by which a man and a woman give and accept each other fully, perpetually and exclusively, for all matters concerning their life union, basically oriented towards truly natural, human fecundity.

50. The right of men and women to enter into marriage with their full and free consent and to establish a family is guaranteed under articles 78 and 79 of the Civil Code, which together with article 47 of the Political Constitution of the Republic of Guatemala deal with the strengthening and maintenance of civil marriage.

51. The system of maternity protection is referred to in article 52 of the Political Constitution of the Republic of Guatemala.

52. The Labour Code allows a total of 84 days, including the period preceding and following childbirth. In addition, one hour daily is allowed for 10 months, after such time as the mother resumes work, for the purpose of nursing her infant.

53. According to the Social Development Plan (PLADES), 1.6 million minors engage in income-generating activities, assuming responsibility for themselves and their family nucleus; owing to their low standard of schooling and poor work qualifications, the working rights of these minors are not respected.

54. As a result of armed conflict, there are some 150,000 orphans and 50,000 widows, mostly indigenous, who suffer as a result of the almost total lack of statistical information, and the fact that the legally compulsory reports on all invalidating occurrences (such as sickness, injury and their effects) are not produced.

55. The number of handicapped persons is known to have increased, as a result of several factors, such as population growth, inadequate prevention schemes, longer life expectancy, more accidents of different kinds, the socio-economic situation, and excessive violence. The resulting ill effects range from deficiency to sensory, physical or mental disability, which directly affects the individual, the family, society and the State.

56. According to the World Health Organization, about 10 per cent of the world population suffers some form of disability, which means that in Guatemala in 1990, about 919,735 persons were affected by disability of some type.

57. The Office for the Rights of the Child and the Office for the Rights of the Disabled provide training courses for instructors in the rights of children and the disabled. There is also a National Commission for the Disabled, which is launching a promotion campaign in favour of disabled persons.

Article 11

THE RIGHT OF EVERYONE TO AN ADEQUATE STANDARD OF LIVING FOR HIMSELF AND HIS FAMILY, INCLUDING ADEQUATE FOOD, CLOTHING AND HOUSING

58. According to recent official reports, based on population census projections, in 1994, out of a total of 1,852,200 households in the Republic, 39 per cent were in urban areas and 61 per cent in rural areas. Out of a total urban population of 3.9 million, it is estimated that 46 per cent live in the metropolitan area of Guatemala City, and the remaining 54 per cent in other urban centres of the country.

59. With regard to groups within society that are vulnerable and disadvantaged with regard to housing, and to the number of homeless individuals and families, it is estimated that 45 per cent of households in the metropolitan area of Guatemala City and about 60 per cent of households in other urban centres live in accommodation which is lacking in the basic living amenities (illegal settlements, precarious accommodation (slums), huts and old, run-down housing). In rural areas, 80 per cent of households live in inadequate conditions, in housing built with flimsy materials, which is too small and lacking in access to basic services and social amenities.

60. With regard to the number of individuals and families currently inadequately housed and without ready access to basic amenities such as water,

heating (if necessary), waste disposal, sanitation facilities, electricity, telephone or postal services, it may be reported that the demand for housing, projected to the year 2000, is for 88,900 units a year, which breaks down into 58,600 due to population growth and 30,300 for replacement (change of use, deterioration or natural disasters). According to these figures, over the next six years a total of 533,400 housing units will need to be built or improved, not considering the housing requirements of families which, as a result of the end of the armed conflict, will be returning to the country in the coming years.

61. With regard to the number of people living in overcrowded, damp, structurally unsafe housing or other conditions which affect health, according to 1989 statistics, the housing deficit in Guatemala is basically qualitative. For 1,610,994 households, there were 1,591,288 housing units, 70 per cent of which were normal houses or apartments, with almost 30 per cent of households living in improvised accommodation, shanties or huts.

62. Out of all households, 58 per cent have no drinking water and 70 per cent no sewage system, while 8 out of 10 households live in overcrowded conditions (less than four rooms per household).

63. With regard to the number of persons currently classified as living in "illegal" settlements or housing, according to a 1991 UNICEF report on precarious areas of Guatemala City and its immediate area of influence, there was a total of 232 "precarious urban settlements", housing a total of 702,100 inhabitants.

64. Precarious urban settlements are understood to be housing estates inhabited by social strata which have insufficient income to pay for the basic basket of goods, which are lacking in public services and community amenities and whose housing shows evidence of unsoundness and overcrowding.

65. With regard to the number of persons evicted within the last five years and the number of persons currently lacking legal protection against arbitrary eviction or any other kind of eviction, no specific information is available.

66. With regard to the number of persons whose housing expenses are above any government-set limit of affordability, based upon ability to pay or as a ratio of income, no up-to-date statistics are available.

67. With regard to the number of persons on waiting lists for obtaining accommodation, and to the average length of waiting time and measures taken to decrease such lists as well as to assist those on such lists in finding temporary housing, it may be reported that, although there is no unified, up-to-date record available, the National Housing Bank, currently under liquidation, keeps lists of housing applicants, with an estimated 50,000 applications for urban and rural areas. The Guatemalan Housing Fund (FOGUAVI) has a list of 302 individual requests and 86 applications by organized groups, made up of 18,525 families (housing cooperatives, committees or associations).

68. With regard to the number of persons in different types of housing tenure by: social or public housing, private rental sector, owner-occupiers, "illegal" sector and other, it may be reported that there is no up-to-date register of the number of families awarded title of ownership by State institutions, or of families occupying public or private lands de facto. In the circumstances, the Government is envisaging the possibility of setting up a Social Property Registry, undertaking to approve the necessary legal modifications to introduce large-scale property regulation programmes in the future.

69. With regard to measures taken to encourage "enabling strategies" whereby local community-based organizations and the "informal sector" can build housing and related services, and whether such organizations receive Government funding, the Government supports the participation of the population in decisions on public programmes, and in their implementation and monitoring, since decentralization necessitates the mobilization of the community in solving development problems.

70. Other priority activities consist in expanding community participation in the planning, operation, maintenance and financing of the social infrastructure as well as in promoting non-traditional methods of implementation with the full participation of NGOs, municipal authorities and community-based organizations; and in the specific field of housing, helping individuals in their efforts to secure decent housing through speedier action to validate titles of ownership, as well as adopting an integrated approach to improving human settlements and to formulating programmes which cater specifically for housing problems and the informal rural and urban sector.

71. As regards measures taken by the State to build housing units and to increase other construction of affordable rental housing, the commencement of operations by the Guatemalan Housing Fund will result in the provision of short-term, low-cost loans for housing arrangements for low-income families, enabling them to finance the installation of basic services, the construction, extension and improvement of homes on their own plots of land or the purchase of plots with or without existing services and housing.

72. With regard to financial measures taken by the State, including details of the housing budget as a percentage of the national budget, the Government of Guatemala has taken short- and medium-term steps to lay the bases for the progressive transformation of this sector.

73. In addition, a start has been made on organizing the institutional framework of the housing sector with the establishment of the post of Deputy Minister of the Economy, whose department will be responsible for planning, coordination, policy-making, standards and evaluation relating to housing programmes.

74. The Guatemalan Housing Fund will, in the next few months, be financing programmes for poor families which will include acquisition of plots with or without services and home purchase, construction, extension and improvement.

75. The State income and expenditure budget contains resource appropriations for reactivating short-term investment in the housing sector, and it is proposed to set up a National Financing System for housing with the aim of directing medium-term activities.

76. With regard to measures taken to ensure that international assistance for housing and human settlements is used to fulfil the needs of the most disadvantaged groups, the 1994-1995 Government Plan - the Agenda for Action - specifies the activities to be pursued in the housing field in order to ensure that housing policies promote action which is of major social benefit as regards the national objective of fighting poverty; in addition, the Public Investment and Social Expenditure Programme, the 1994-1995 Plan, defines the programme of current investments and the programme of new investment projects and external resource requirements, both for new investment and technical cooperation.

77. In respect of measures taken to encourage the development of small and intermediate urban centres, especially at the rural level, the present anti-poverty strategy has necessitated a start on decentralizing the provision of public services and strengthening local government. Administrative, technical, financial and political consolidation of the country's municipal authorities forms the backbone of this strategy, for which programmes of cooperation and support have been proposed through INFOM (Institute for Municipal Promotion), ANAM (National Association of Municipal Authorities), INAP (National Institute of Public Administration) and the Urban and Rural Development Boards, using both their own resources and international financial and technical cooperation.

78. In regard to measures taken during, inter alia, urban renewal programmes, redevelopment projects, site upgrading, preparation for international events and "beautiful city campaigns", which guarantee protection from eviction or guaranteed rehousing based on mutual agreement, by any persons living on or near to affected sites, the country's urban population, for historical reasons, has become concentrated in a handful of urban centres, in particular Guatemala City and the surrounding municipalities. Of the 10 next largest cities, only Quetzaltenango has more than 100,000 inhabitants and Escuintla and Antigua more than 60,000. This being so, investment in infrastructure, facilities and services has also been concentrated on those urban centres.

79. This situation began to change with the promulgation of the 1985 Political Constitution of the Republic. Three new instruments incorporated in the Constitution made it possible to begin the process of administrative decentralization and dispersal of investments: (1) the Regionalization Act, aimed at promoting administrative decentralization in a systematic manner; (2) the establishment and introduction of the National System of Urban and Rural Development Boards, for organizing and coordinating public administration by a process of participation from the bottom upwards; and (3) the transfer of 85 per cent of the State's general budget of regular income to the country's municipal authorities, for use on infrastructural projects and public services with a view to improving the quality of life of their inhabitants. These steps help to strengthen the financial autonomy of local government bodies as well as gradually lessen the traditional concentration of resources on a few of the country's urban centres.

80. As regards a general overview of the extent to which the right to adequate food has been realized, three government programmes of national scope exist to strengthen the right to food for mothers and young children and for children of school age:

Production and distribution programme for nutritionally enhanced biscuits;

Distribution programme for dried milk;

Distribution programme for food supplements.

81. The nutritionally enhanced biscuit is a fortified food prepared by private contractors to standards laid down by the Nutrition Institute of Central America and Panama. The biscuits are distributed to primary-level schoolchildren throughout the country. Dried milk is distributed to the same consumers as the biscuits; although it is less nutritious, it helps to provide the minimum essential intake of calories and proteins. The food supplement programme is run by health units throughout Guatemala and meets the needs of those mothers who attend the units.

82. Other projects serving the aim of food security are the following:

(a) Project GUA/91/022 USPADA/UNDP/NETHERLANDS, consisting of 12 subprojects grouped under three headings: agricultural development, livestock development and marketing. All the projects are based on reinvestment of the grants. Income from sales is used to finance the subsequent cycle of production or servicing. Eighty per cent of the project amount goes to the farmers themselves.

(b) Project for the establishment of regional planning offices. The project was launched in 1991 and eight regional offices for sectoral planning support were set up in 1993. Under the 1992-1993 operating plan for these offices, this is a decentralization project of USPADA whereby the preparation of regional plans and policies for agricultural and forestry development can be organized and assisted.

(c) The price band system, which emerged from a series of instruments such as the Antigua Declaration of 17 June 1990 (reactivation of the integration process in Central America), the Declaration of Puntarenas of 17 December 1990 (prices and regional marketing), and the Declaration of San Salvador of 17 July 1991 (introduction of the price band system with a view to liberalizing commodity trade). In support of social organization measures, action has been taken to foster and strengthen the capacities and management of social groups with a view to promoting and implementing diversification projects for productive enterprises. This action, covering the country's 22 departments has extended to 4,000 social groups, created 1,040 productive enterprises, strengthened 760 existing productive enterprises and improved beneficiaries' income by at least 30 per cent. As a whole, it is anticipated that 100,000 persons will be involved directly and 500,000 indirectly in the period 1992-1996.

(d) The National Fund for Peace. This was established as part of the plan in question with the aim of launching immediate programmes and projects intended to bring about a lasting improvement in the quality of life of the population affected by the internal armed conflict.

83. The studies which exist on the food and nutritional situation of the Guatemalan population, as well as the institutional sources of information, are as follows:

1. Seminar on Food Security: Present Situation and Prospects in Guatemala. CESA-MAGA, 1988.

2. International Conference on Nutrition: Guatemala Report. SEGEPLAN, 1992.

3. National Survey on Apparent Consumption of Food. SEGEPLAN, 1991.

4. International Conference on Nutrition: The Food and Nutrition Situation in Guatemala. SEGEPLAN.

5. Access to Employment by Migrants in the Metropolitan Area. SEGEPLAN, 1988.

6. First Seminar on Progress in Nutritional Surveillance. D.G.S.S., 1988.

7. Progress Towards Food and Nutrition Security for the Guatemalan Population. SEGEPLAN-GTZ.

8. Women and Children: A Balance Sheet. SEGEPLAN, 1991.

9. Initiative on Policies and Structures for Food and Nutrition Security: Report. SEGEPLAN, Ministry of Health and Social Welfare, INCAP-CCE/CADESCA, Guatemala, 1990.

10. Macroeconomic Policy and its Impact on Agriculture and Food Security: The Case of Guatemala. CADESCA, Guatemala, 1990.

11. Survey of the Guatemalan Population: Health Sector. SEGEPLAN-INCAP, 1977.

12. Agricultural Survey 1988. INE.

13. Agricultural Survey Series. 1964-1992. INE.

14. National Survey on Characteristics of Production Systems of Staple Grain Producers in Guatemala, 1989. USPADA.

15. Agricultural Surveys: Region I, 1979, 1980. USPADA.

16. Agricultural Survey: Region VI, 1983. USPADA.

17. Survey: Region VII, 1981. USPADA.

18. Diversification Systems Project for Guatemalan Highlands Small Farmers: Basic and Impact Surveys, 1983-1986. USPADA-INCAP.

19. World Food Programme (WFP) Diagnostic Census: Franja Transversal del Norte (Northern Transverse Belt), 1982. USPADA.

Female-male gaps*

Life expectancy	108
Population (1992)	98
Literacy (1970)	73
Literacy (1992)	75
Years of schooling (1992)	86
Primary enrolment (1960)	78
Labour force (1990-1992)	35

Source: UNDP. Human Development Report 1994.

* All figures are expressed in relation to the male average, which is indexed to equal 100. The smaller the figure the bigger the gap, the closer the figure to 100 the smaller the gap, and a figure above 100 indicates that the female average is higher than the male average.

Rural-urban gaps

Rural population (as % of total) 1992	60
Water: rural 1988-1991	41
Water: urban 1988-1991	91
Sanitation: rural 1988-1991	52
Sanitation: urban 1988-1991	72
Water: 1988-1991	45
Sanitation: 1988-1991	73
Nutrition: 1988-1992	85

Distribution of peasant homes, by class

Well-to-do peasants	1.2%
Middle-income peasants	34.5%
Poor peasants	47.6%
Wage-earning peasants	16.7%

Workforce utilization rates, 1980-1989

Year	Unskilled labour demand	Under-utilization
1980	68.8	31.2
1981	67.4	32.6
1982	63.6	36.4
1983	60.5	39.4
1984	59.3	40.7
1985	57.3	42.7
1986	56.3	43.7
1987	56.6	42.4
1988	57.2	41.8
1989	58.2	42.8
1990	55.1	41.7
1991	54.2	41.2
1992	52.9	41.2
1993	51.1	41.1

Poor homes by region, 1989

Region and Area		Poor		Destitute	
		Homes	Percentage	Homes	Percentage
Total	Republic	1 216 059	75.5	869 655	54.0
	Urban	382 057	62.4	206 827	33.4
	Rural	834 002	83.5	662 828	66.4
Metropolitan		219 188	59.7	100 788	27.5
	Urban	152 884	54.5	57 276	20.4
	Rural	66 304	76.8	43 512	50.4
Northern		103 304	89.5	85 692	74.2
	Urban	15 984	70.6	11 248	49.7
	Rural	87 320	94.1	74 444	80.2
North-eastern		111 159	70.6	77 792	49.4
	Urban	24 840	66.7	13 869	37.2
	Rural	56 319	71.8	63 923	53.2
South-eastern		124 740	78.8	94 689	59.8
	Urban	27 972	75.9	17 766	48.2
	Rural	96 768	79.6	76 923	63.3
Central		139 268	77.4	96 348	53.5
	Urban	62 604	75.9	42 624	51.5
	Rural	76 664	78.8	53 724	55.3
North-western		168 720	88.4	146 490	76.7
	Urban	27 075	79.8	21 090	62.2
	Rural	141 645	90.2	125 400	79.9
South-western		140 268	79.7	250 488	61.6
	Urban	63 604	59.3	39 192	36.5
	Rural	76 664	87.0	211 296	70.0
Peten		25 707	72.9	17 328	49.1
	Urban	7 011	64.1	3 762	34.4
	Rural	18 696	76.8	13 566	55.7

Changes in the past five years in the socio-economic situation of the marginalized population

Socio-economic indicators	Situation	
	base	present
Life expectancy at birth (years)	1960: 45.6	1992: 64.0
Infant mortality (per 1 000 live births)	1960: 125	1992: 49
Population with safe water access (%)	1975-1980: 39	1988-1991: 60
Underweight children (% of children under five)	1975: 30	1990: 25
Adult literacy rate (%)	1970: 44	1992: 56
Enrolment ratio for all levels (% age 5-23)	1980: 35	1990: 41
Real GDP per capita (Purchasing power parity in $)	1960: 1 667	1991: 3 180

Article 12

RIGHT OF EVERYONE TO THE ENJOYMENT OF THE HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH

84. With regard to the physical and mental health of the population, in respect of both the aggregate and the different groups within society, health policies are biologistic and individual in character and consequently psychosocial factors in general are not taken into account.

85. As to whether there is a national health policy, this does not exist as such since the National Health Council formulates policies which are not embodied in legislation and consequently are not mandatory at the national level.

86. The Ministry of Public Health and Social Welfare issues health policy guidelines at the institutional level. This apart, the Guatemalan Government has identified the following sectoral and programme objectives in the Agenda of Government for 1994-1995:

(a) Extending the reach of health services, especially in rural and urban areas which are marginal, for the benefit of particularly vulnerable sections of the population (pregnant women, nursing mothers, undernourished children);

(b) Concentrating health sector action on preventive health programmes, primary health care and family health education programmes;

(c) Enhancing the efficiency of the health system in order to improve services for the population, and ensuring that the system is financially sustainable in the long term;

(d) Completing the construction of health centres and health units and providing for their equipment and running costs.

87. The trend in health expenditure in relation to GNP has been a falling one, particularly since the second half of the 1980s. The severe restrictions on public expenditure have had a serious impact on socia' welfare spending; the problem has been aggravated by the rise in the production costs of health services, which has steadily widened the gap between available resources and the services that can be provided at that price level.

88. This behaviour is also apparent in the relationship between health sector expenditure and the total budget, since resource constraints have generally been the major difficulty facing general health spending. This situation limits the dimensions of programmes and projects, for although needs are identified and ranked clearly and objectively, resources remain the major difficulty.

OVERALL COVERAGE OF THE MATERNAL AND CHILD PROGRAMME AT THE REGIONAL AND NATIONAL LEVELS, 1988, FOR CHILDREN UP TO THE AGE OF 1

REGIONS	
I.	52 per cent
II.	55 per cent
III.	65 per cent
IV.	69 per cent
V.	61 per cent
VI.	73 per cent
VII.	61 per cent
VIII.	63 per cent
Republic	64 per cent

89. During the reporting period there have been no changes in national policies, laws and practices negatively affecting the health situation in Guatemala.

90. With regard to the policy measures the Government has taken, to the maximum of available resources, to realize improvements in the health sector, the Ministry of Public Health and Social Welfare intends to reduce the prevalence of sickness and death from preventable and controllable causes through the development of a health model whose key elements are social participation, health promotion and protection, the protection and preservation of the environment and access to medical care and basic inputs.

91. The bases for consolidating and modernizing the national health system will be the design and testing of the specific goals set out in the policy guidelines, such as improving the managerial capacity of the Ministry of Public Health and Social Welfare; enhancing the decision-making capacity and quality of health services; strengthening the management and running of the health sector at the national, regional and local levels; developing the process of national coordination and social participation; expanding national

capacity for educating and training human resources; and formulating proposals for decentralization and dispersal with a view to promoting the development of local systems.

92. As regards measures to reduce infant mortality and the stillbirth rate and to provide for the healthy development of the child, the specific aim is to extend the reach of basic health care services for individuals, and their environmental aspects, by giving priority to access for high-risk groups (mothers and children, rural inhabitants and indigenous people). The objectives also include comprehensive programmes; increasing geographical, social and economic accessibility; strengthening and expanding primary health care, local development systems and the health model; building up activities providing care for children; and strengthening action to protect and preserve the environment.

93. With regard to the measures taken to prevent and control epidemic, endemic, occupational and other diseases, the Ministry of Public Health and Social Welfare pursues preventive programmes through the network of health services and the departments of environmental health, epidemiology, malaria and maternal and child health, as well as through programmes for oral health, mental health, school health and disasters and through PAYSA and UNEPAR. The programmes concerned deal mainly with the following areas:

Provision of safe water;

Latrine construction;

Toxic waste control;

Solid waste control;

Fluoride treatment for children of school age;

Growth and development;

Nutrition;

Psychic and mental development;

Midwifery;

Extension workers;

Immunization;

Malaria control;

Dengue control;

Onchocerciasis control;

Chagas' disease control;

Rabies control;

Disaster control and prevention;

Community health.

94. Action to avert diseases consists in preventive care, provided basically at the community level, and its impact on the level of indicators is highly significant. The priority programmes of the Ministry of Public Health and Social Welfare are as follows:

1. Mothers and children.

2. Environment, health and development.

3. School health and adolescent health.

4. Adult care.

5. Health education and promotion.

6. Epidemiological surveillance.

7. Care for the disabled.

8. Care for the elderly.

9. Institutional management and control.

10. Human resources development.

11. Maintenance and preservation of the network of health services.

12. Community health.

13. Disasters.

95. In regard to measures taken to assure full medical service and medical attention in the event of sickness, these are as follows:

Improving the decision-making capacity and quality of health services;

Activating the new hospital infrastructure through alternative systems of administration, organization and financing within the framework of the new health model;

Expanding human, physical and financial resources at the first referral level (health centres and health units);

Improving the quality of care for hospitalized patients;

Promoting the use of appropriate technology and operative investigation;

Increasing the productivity of hospitals, health centres and health units through a systematic analysis of resources, output, returns and costs;

Activating the referral and response system throughout the health services network;

Improving the availability and accessibility to the population of essential medicines and basic inputs.

96. With regard to measures to ensure that the rising costs of health care do not lead to infringements of the right to health, the difficulty of expanding the supply of services lies in the fact that input costs are growing faster than the increase in budgetary appropriations, a situation which broadens the gap between the availability of resources for inputs and their cost. The effect is a reduction in services which can be offered with the resources allocated. In this connection, the measures proposed fall within the health sector loan facility of the Inter-American Development Bank, which will formulate financing alternatives (mobilization/implementation) for specific health institutions (hospitals and health centres) in conjunction with the private sector and involving its joint participation through recourse to industrial associations and foundations.

97. The measures taken to maximize community participation in the planning and organization of primary health care are the following:

Expanding of the process of national coordination and social participation;

Strengthening the process of intrasectoral and extrasectoral coordination at the local, regional and national levels; social welfare and community-based organizations, municipalities, the social welfare department, the National Health Council and the national, regional and departmental development boards;

Promoting agreements between the health sector and industry for the provision of basic care for migrant workers and their families;

Developing mechanisms to ensure community participation in health programmes;

Strengthening the participation of the social welfare department in promoting human development and the elimination of poverty;

Implementing the strategy of developing a health model based on family self-care with social and community participation;

Encouraging the participation of voluntary workers, community-based organizations, the private sector and other sectors, especially that of education, in producing a health model consonant with local epidemiological patterns, health requirements and the protection and preservation of the environment.

98. In regard to measures taken to provide education concerning health problems and measures for preventing and controlling them, the priority programmes of the Ministry of Public Health and Social Welfare include, at the national level, the Programme of Health Education and Promotion, to which the sum of 6,980,857 quetzales has been allocated for 1995.

99. The resources derived from international health cooperation are regarded as crucially important in a large number of cases, since they help to meet the demands of sections of the population which would not otherwise be catered for.

100. The indicators relating to mortality are as follows:

Prenatal institutional care: 38 per cent;

Maternity mortality rate: 248 per 10,000;

Maternity mortality is 33 per cent higher in rural than in urban areas;

Maternity mortality is 50 per cent higher among the indigenous than the non-indigenous population;

Out of 360,000 births, 20 per cent take place in institutions.

101. The coverage of the Maternal and Child Programme at the national level and by regions showed a stationary tendency in the period 1985-1988.

102. Nationwide the level of care for children up to the age of one remained the same at the end as at the beginning of the period (64 per cent). At the regional level, coverage fell in regions II, III, V, VI, VII and VIII, and increased only in the metropolitan region (from 42 to 52 per cent). Coverage for the 1 to 4-year-old age group rose from 31 per cent to 32 per cent. At the regional level, increases occurred in the south-eastern, north-eastern and metropolitan regions. Regions VI and VII maintained the same level of coverage, while coverage fell in regions II, V and VIII. Overall coverage of the Infant Mortality Programme 1988, for children aged from 1 to 4 at the national and regional levels was as follows:

REGIONS	
I.	22 per cent
II.	26 per cent
III.	44 per cent
IV.	56 per cent
V.	22 per cent
VI.	26 per cent
VII.	22 per cent
VIII.	51 per cent
Republic	32 per cent

103. As part of the public sector, the Ministry of Public Health and Social Welfare implements its programmes in compliance with basic Government principles, in order to enhance community participation in support of health measures and in the development of the local health-care infrastructure, and combats poverty by improving the coverage and quality of care, rationalizing expenditure on, and ensuring the equitable and timely delivery of, services to the population whose health and well-being are at risk on account of extreme poverty and marginalization.

104. As regards the percentage of gross national product and of the national budget devoted to health in comparison with 10 and 5 years ago, we are able to inform you that in 1993 GDP was 73,562,700,000 quetzales. Health expenditure was 104,469,212 quetzales. Per capita health expenditure in 1993 was 24.72 quetzales.

105. Infant mortality rates are given below:

INFANT MORTALITY RATE: 54 PER THOUSAND LIVE BIRTHS

Infant mortality in the higher socio-economic group: less than 10 per thousand live births;

Infant mortality among the lower socio-economic group: over 120 per thousand live births.

INFANT MORTALITY RATES (IMR) BY DEPARTMENT

Department	IMR per 1 000 live births
Guatemala	42.49
Alta Verapaz	39.25
Baja Verapaz	35.13
Zacapa	33.86
Izabal	36.78
Chiquimula	27.61
El Progreso	48.28
Jutiapa	30.56
Jalapa	34.37
Santa Rosa	35.25
Sacatepéquez	45.21
Chimaltenango	50.41
Escuintla	66.86
Quetzaltenango	51.05
San Marcos	33.96
Totonicapán	67.09
Sololá	55.00
Retalhuleu	44.20
Suchitepéquez	60.65
Huehuetenango	31.03
El Quiché	41.24
El Petén	43.36

106. At the regional level, the highest infant mortality rates occur in the central, south-western and south-eastern regions (1988):

REGIONS

Central	South-western	South-eastern
69 per thousand	72 per thousand	66 per thousand

107. Comparison between the infant mortality rates between departments reveals that the highest rates were in Totonicapán, Escuintla and Chimaltenango.

108. The infant mortality rate is slightly higher among boys, at both the national and regional levels. For both boys and girls the trend in the infant mortality rate is downwards.

109. Infant mortality is higher in rural than in urban areas.

INFANT MORTALITY RATES BY PLACE OF RESIDENCE

Urban	62 per thousand (1986)
Rural	82 per thousand (1986)

110. Infant mortality is highest among the indigenous population:

Indigenous	77 per thousand (1986)
Non-indigenous	70 per thousand (1986)

111. The provision of safe water in urban and rural areas was as follows:

1990: 60 per cent of Guatemala's population had access to safe water in rural areas and 93.1 per cent in urban areas. Forty-three per cent of families lacked excreta and waste-water disposal facilities;

1993: percentage of homes without drinking water:

Nationwide:	38 per cent
Urban areas:	8 per cent
Rural areas:	54 per cent

Sanitation: Percentage of homes without drainage or sewerage:

Urban areas:	28 per cent;
Rural areas:	49 per cent of homes lack latrines.

PROVISION OF DRINKING WATER AND SANITATION
(percentage of the total population)

Service	Area	Year 1990
Drinking water	Urban	91.8 per cent
	Rural	42.6 per cent
	National	61.6 per cent
Sanitation	Urban	72.1 per cent
	Rural	51.6 per cent
	National	59.4 per cent

INDICATORS ON THE PROVISION OF A WATER SUPPLY AND LATRINES IN RURAL AREAS, BY REGION

		Percentage of households without a water supply	Percentage of households without latrines
I.	Metropolitan	54.0 per cent	26.9 per cent
II.	North	64.9 per cent	46.1 per cent
III.	North-east	41.0 per cent	40.6 per cent
IV.	South-east	45.6 per cent	50.0 per cent
V.	Central	42.8 per cent	28.6 per cent
VI.	South-west	46.6 per cent	60.0 per cent
VII.	North-west	57.0 per cent	45.4 per cent
VIII.	El Petén	84.5 per cent	55.0 per cent

112. The overall percentages of children vaccinated against the various vaccine-preventable diseases in rural and urban areas were as follows in 1993:

Diphtheria	75.4 per cent
Whooping cough	75.4 per cent
Tetanus	75.4 per cent
Measles	71.1 per cent
Poliomyelitis	77.0 per cent
Tuberculosis	45.6 per cent
Tetanus toxoide	16.77 per cent

113. In 1993 life expectancy for men and women in urban and rural areas was as follows:

Men	62.41 years
Women	67.33 years
Overall	64.80 years

114. Only 34 per cent of the population have access to trained personnel capable of treating common diseases and injuries within an hour's walking distance or travel, on account of inaccessibility. Sanitation coverage is provided for 57 per cent of the population.

Article 13

THE RIGHT OF EVERYONE TO EDUCATION

115. Articles 71-81 of the Political Constitution of the Republic of Guatemala cover all aspects of education in the country. Educational enrolment in rural and urban areas is detailed below.

PRE-PRIMARY EDUCATION

Population aged 5-6 years	605 327
Students enrolled	189 760

BILINGUAL

Students enrolled	79 312
Boys	43 464
Girls	35 848
In State schools	72 080
In private schools	7 232
In urban areas	7 999
In rural areas	262
TOTAL NUMBER OF TEACHERS	2 283
In State schools	2 034
In private schools	249
In urban areas	162
In rural areas	2 121

KINDERGARTENS

Students enrolled	110 448
Boys	55 972
Girls	54 476
In State schools	55 468
In private schools	54 980
In urban areas	97 070
In rural areas	13 378
TOTAL NUMBER OF SCHOOLS	1 789
State	750
Private	1 039
Urban areas	1 445
Rural areas	344
TOTAL NUMBER OF TEACHERS	4 226
In State schools	1 491
In private schools	2 735
In urban areas	3 823
In rural areas	403

PRIMARY EDUCATION

Students enrolled	1 340 657
Boys	728 044
Girls	612 613
In urban areas	569 391
In rural areas	771 266
In State schools	1 115 493
In urban areas	406 124
In rural areas	709 369

In private schools	225 164
In urban areas	163 267
In rural areas	61 897
Percentage of State school students without desks	16%
Total number of schools	10 088
In urban areas	2 046
In rural areas	8 042
State	7 996
In urban areas	1 020
In rural areas	6 996
Private	2 092
In urban areas	1 026
In rural areas	1 066
Total number of teachers	37 677
In urban areas	18 573
In rural areas	19 104
State schools	28 392
In urban areas	11 062
In rural areas	17 330
Private schools	9 285
In urban areas	7 511
In rural areas	1 774
Average pupils per teacher	36.6
In urban areas	30.7
In rural areas	40.4
State schools	39.3
In urban areas	36.7
In rural areas	40.9
Private schools	24.2
In urban areas	21.7
In rural areas	34.9
Gross enrolment rate	82.5%
Net enrolment rate	68.0%
Intake rate	56.6%
Drop-out rate (as a percentage of total enrolment)	8.5%
Boys	8.7%
Girls	8.2%

State schools	9.2%
Private schools	4.6%
In urban areas	5.0%
In rural areas	11.0%
Graduation rate (as a percentage of total enrolment)	73.0%
In State schools	71.1%
In private schools	82.9%
In urban areas	80.3%
In rural areas	67.8%
Repeat rate	15.9%
In State schools	17.3%
In private schools	9.0%
In urban areas	12.7%
In rural areas	18.3%
Total number of classrooms	38 475
In State schools	30 069
In urban areas	10 199
In rural areas	19 870
In private schools	8 406
In urban areas	6 648
In rural areas	1 758

Higher education

71,567 students enrolled in the following university courses:

Agronomy
Architecture
Economics
Law and social sciences
Political science
Medical sciences
Chemical sciences and pharmacology
Humanities
Engineering
Dentistry
Veterinary medicine and zootechnics
Psychology
History
Social work
Communication sciences

2,238 graduate students in these same fields.

Article 14

COMPULSORY AND FREE PRIMARY EDUCATION

116. Primary education is compulsory and free of charge in Guatemala, in conformity with the provisions of the Political Constitution of the Republic mentioned under the previous article dealt with in this report.

Article 15

THE RIGHT OF EVERYONE TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS

117. With respect to the legislative and other measures adopted by the Government to realize the right of everyone to take part in cultural life and to manifest his or her own culture, articles 57-65 and 121 of the Political Constitution of the Republic of Guatemala clearly set forth all aspects of the right to culture, cultural identity, cultural preservation and research, protection of the cultural heritage, protection of traditional art, folklore and crafts, the right to creative expression, natural heritage, preservation and protection of culture and everything considered to be State property.

118. As to the availability of funds for the promotion of cultural development and popular participation in cultural life, including public support for private initiative, one of the major contributions of the State to the nation was the creation of the Ministry of Culture and Sports, which began operating in 1986. This Ministry is responsible for designing cultural policies on behalf of the population.

119. The budget allocated for the Ministry by Congress for fiscal year 1995 is 29 million quetzales. Funds for the promotion of cultural development are included in the Ministry's expenditure budget, which is approved by Congress for each fiscal year, since cultural development is part of each of its programmes of work, in accordance with its mandate.

120. With regard to the institutional infrastructure established for the implementation of policies to promote popular participation in culture, such as cultural centres, museums, libraries, theatres and cinemas and in traditional arts and crafts, the Ministry is dedicated to the promotion of popular participation in culture by means of libraries at both the national and the departmental level and disseminates both national and international art and culture. In addition, through the five national museums in the capital, as well as the nine regional museums, cultural events on the pre-Hispanic, colonial and republican eras are organized.

121. The Ministry has recently been reorganized into two large general directorates: the Directorate of Cultural Heritage, which is responsible for popular participation in culture, and the Directorate of the Cultural Centre, to support a specific fund.

122. The National Museum of Archaeology and Ethnology has a cooperation agreement with the GET Foundation, as does the National Museum of Modern Art with the National Fine Arts Board. Several cooperation agreements are currently being negotiated with the private sector.

123. Concerning the promotion of cultural identity as a factor of mutual appreciation among individuals, groups, nations and regions, the Ministry has cultural identity promotion programmes, not for popular cultures but for facilitating access to and participation by agents of Maya culture.

124. With respect to the culture of peace, the cultural policy is a decisive factor in our identity. By means of various social communications media, all events promoting economic and social harmony, and consequently cultural harmony, are being encouraged.

125. Concerning the promotion of awareness and enjoyment of the cultural heritage of national ethnic groups and minorities and of indigenous peoples, the Ministry has had neither a programme nor a policy, but it is currently planning policies aimed at their participation. There is a ministerial consulting unit on indigenous affairs, which has been one of the Ministry's main achievements.

126. As regards the role of the mass media and communications media in promoting participation in cultural life, the Ministry has such sections as the Miguel Angel Asturias Cultural Centre, Radio Faro, Parque La Democracia and the Editorial Cultural publishing house.

127. Concerning the preservation and presentation of mankind's cultural heritage, in conformity with the law and the agreement of 23 February 1946 on the creation of the Institute of Anthropology and History, activities related to the preservation and presentation of the cultural heritage through that Institute's technical units are carried out by the Registry of Archaeological, Historical and Artistic Property and the Department of Pre-Hispanic and Colonial Monuments, which are responsible for cataloguing articles from these periods as well as items of folklore and buildings of cultural significance. There are ongoing preservation programmes for mankind's cultural heritage, specifically in the city of Antigua, Tikal National Park and Quiriguá Archaeological Park.

128. As to legislation protecting the freedom of artistic creation and performance, including the freedom to disseminate the results of such activities, as well as an indication of any restrictions or limits imposed on the freedom, that freedom is regulated by the Political Constitution of the Republic of Guatemala in the law on the expression of opinion and the law on copyright.

129. Professional education in the field of culture and art is provided by the art schools affiliated with the Ministry of Culture and Sports and by the various professional education programmes offered at Guatemala's universities. In addition to the promotion of popular education, carried out by the Ministry in cultural centres and other centres which by their very nature cannot provide formal education, the Ministry has some 32 regional art schools.

130. Concerning any other measures taken for the conservation, development and diffusion of culture, the Directorate of Natural and Cultural Heritage, and its technical units in particular, promote cooperative projects aimed at preserving and protecting cultural property in the interior of the country, carrying out specific projects with municipalities and local committees. The basic mechanism is that the institution provides the technical and scientific staff and the communities the operating staff. Work is also under way to consolidate international agreements which enable projects to be carried out with international technical assistance, international funding and/or loans.

131. Given the goal of peace, the Ministry is preparing plans and programmes for cultural development. Its support in promoting change in health and education is of paramount importance and is taken into account in all the activities under its aegis.

132. With regard to the legislative and other measures taken to realize the right of everyone to enjoy the benefits of scientific progress and its applications, including those aimed at the conservation, development and diffusion of science, article 59 of the Political Constitution of the Republic of Guatemala clearly stipulates that it is an essential obligation of the State to protect, develop and disseminate the national culture; to enact laws and make regulations tending to enrich, restore, preserve and recover it; to promote and regulate the scientific study of it; and to develop and use appropriate technology.

133. With respect to measures taken to ensure the application of scientific progress for the benefit of everyone, including measures aimed at the preservation of mankind's natural heritage and promoting a healthy and pure environment and information on the institutional infrastructures established for that purpose, the State of Guatemala is a party to the Convention for the Protection of Cultural Property in the Event of Armed Conflict, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and the Convention concerning the Protection of the World Cultural and Natural Heritage. It is also a party to the Convention on the Protection of the Archaeological, Historical and Artistic Heritage of the American Nation (Convention of San Salvador), the Central American Cultural and Educational Coordinating Office and the Inter-American Convention on the Rights of the Author in Literary, Scientific and Artistic Works.

134. Concerning measures taken to promote the diffusion of information on scientific progress, the Ministry of Culture and Sports, aware of the need to promote and disseminate information on scientific progress, has promoted various policies aimed at strengthening that dissemination, providing Radio Faro Cultural - which was about to go off the air - with a high-powered transmitter so that it can carry on broadcasting. Other institutions of vital importance to the country's cultural life have also been strengthened; reference may be made inter alia, to the preservation and protection of the Miguel Angel Asturias Cultural Centre.

135. Concerning measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of all human rights, including the rights to life, health, personal freedom, privacy and the like,

the Ministry has never impeded such progress. It should be pointed out that special care has been taken to enable all citizens to enjoy those rights, which are guaranteed by the Political Constitution of the Republic.

136. Concerning the legislative and other measures taken to realize the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic work of which he or she is the author, in particular, the practical measures aimed at the full implementation of that right, including provision of the necessary conditions for scientific, literary and artistic activities, the new draft law on copyright and related rights is now before Congress; it regulates all the contemporary problems in that area.

137. As to steps taken by the Government for the conservation, development and diffusion of science and culture, every effort is being made to ensure the respect of those rights, where possible offering the inherent benefits to each person. The Political Constitution of the Republic duly guarantees that right, and consequently ensures that it is complied with. Congress recently approved the income and expenditure budget for the Ministry, in the amount of 29 million quetzales, which is considered to be a positive step for the conservation, development and diffusion of science and culture.

138. In terms of measures at the constitutional level, within the national educational system and by means of the communications media, the Ministry of Culture and Sports has strengthened the regional art schools, which are active in the interior of the country. Furthermore, the Escuela Superior de Arte is currently being promoted in conjunction with the University of San Carlos and will fill a gap in professional art education.

139. As far as all other steps taken to promote such conservation, development and diffusion are concerned, the Ministry has strengthened the following areas: support for all persons engaged in creative work, including art, literature, dance, music and the plastic arts; the regional art schools, which are the ideal medium for systematizing the artistic training of the population; and cultural exchange of official and unofficial groups with friendly nations, for example the exchange which will take place in February 1995 in Vienna, Austria, in which Guatemalan musicians, folkloric dance troupes, marimba performers and the like will take part.

140. As to measures designed to respect and protect the freedom indispensable for scientific research and creative activity, the Ministry of Culture and Sports is promoting the complete training of Guatemalan artists, by means of scholarships to several American countries, as for example the musicologist Igor de Gandarias, who is currently pursuing a doctorate in contemporary music in the United States, as well as members of the National Symphony Orchestra, who have been invited to Central America, South America or Europe for training courses. Similarly, Guatemalan delegates worthily represent the nation in such international institutions as UNESCO and promote benefits and incentives for the creative, artistic and cultural activity of Guatemala.

141. Regarding measures taken to guarantee the freedom of exchange of scientific, technical and cultural information, views and experience between scientists, writers, creative workers, artists and other creative individuals

and their respective institutions, the Ministry has a close working relationship with the embassies' cultural attachés. It had also signed major agreements and letters of understanding on cultural development, including one on the opening of the bookshop of the Fondo de Cultura Económica de México, which will stock a large number of titles to be distributed in Guatemala and subsequently in Central America. One major agreement relates to the Mexico-Guatemala Book Fair, which in its eight presentations to date has showcased the best publications of each country.

142. Measures taken to guarantee the freedom of exchange of scientific, technical and cultural information, views and experiences have been facilitated by means of relations with international organizations such as UNESCO, the International Council of Monuments and Sites, the Organization of American States, the World Intellectual Property Organization, the General Secretariat of the Central American Educational and Cultural Coordinating Office, based in San José, Costa Rica, and the Mexican Cultural Foundation, as well as friendly embassies working on information exchange projects for the preservation and conservation of the natural and cultural heritage.

143. Regarding measures taken to support learned societies, academies of science, professional associations, unions of workers and other organizations and institutions engaged in scientific research and creative activities, the Ministry of Culture and Sports, through the Department of Support for Creative Activity, which is a part of the Directorate of Art and Culture, is currently engaged in exchanges on the different forms of creative activity in all the arts. One example is the Third Central American Literature Congress, which will be held with the support of the Ministry, the University of San Carlos and the Guatemalan Writers' Community, and in which universities from the United States will also participate and collaborate.

144. As to the legislative and other measures by which the Government of Guatemala encourages and develops international contacts and cooperation in the scientific and cultural fields, the Ministry of Culture and Sports, inspired by the precepts contained in the Political Constitution of the Republic of Guatemala, promotes and develops bilateral relations with friendly countries. These relations have resulted in very promising achievements for Guatemala, as described below.

145. Regarding participation by scientists, writers, artists and others involved in scientific research or creative activity in international scientific and cultural conferences, seminars, symposiums and the like, the artistic and scientific events, symposiums and seminars in which the Ministry has participated should be enumerated, including:

- Participation by the Ministry in the meeting of the intergovernmental committee to encourage the return of cultural property to its countries of origin, or its restitution in cases of illegal appropriation (Paris, May 1994);

- Participation by the Ministry in the 27th General Conference of UNESCO (Paris, October 1993);

- Participation by the Ministry in drafting the legislation on cultural heritage in Panama and Costa Rica (November 1994);

- Participation by the Ministry in the first conference on Central American cultural legislation; it has also prepared three draft conventions on the cultural heritage;

- Participation by the Ministry in the meetings of the Ministers of Education and Culture organized by the Central American Educational and Cultural Coordinating Office (July, August and November 1994).

146. With respect to factors and difficulties which have affected the development of international cooperation in those fields, the main such factors have been the lack of budgetary resources, for reasons already cited, which would have enabled Guatemala to have eminent persons participate in international meetings. Nor were funds available for the follow-up and execution of programmes approved bilaterally or multilaterally.

147. With regard to changes in national policies, laws and practices negatively affecting scientific and cultural rights, in the past five years there have been no such changes; on the contrary, legal provisions favouring such policies have been developed.

148. The Ministry of Culture and Sports is concerned with updating cultural and educational policies so that they can respond to the current needs of the population. Congress is about to consider legislation on copyright and related rights as well as the law on the protection of handicrafts. Laws have also been promulgated on the promotion of books and on the Academy of Maya Languages, which provides for very severe sanctions under the Penal Code in cases of robbery or theft of historic or artistic property of religious origin.

149. With regard to the role of international assistance in the full realization of scientific and cultural rights, such assistance is reflected in conservation programmes for archaeological monuments (Tikal Park and historic cities such as Antigua). In addition, another type of major aid has been received from international institutions, which have made a significant contribution to scientific and cultural rights in the country.

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